

Notice of Allowability

Application No.

10/643,791

Examiner

Alexandra K Pechhold

Applicant(s)

ZENTNER, ROBERT K.

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/26/05.
2. ☒ The allowed claim(s) is/are 5, 10, 13 and 16.
3. ☒ The drawings filed on 19 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

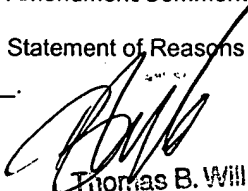
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Thomas B. Will
Supervisory Patent Examiner
Group 3600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jack Sloan on May 9, 2005.

The application has been amended as follows:

Replace claim 5 with the following claim:

5. A road surface repair kit comprising:
- (1) an outside container that houses a binder component and an aggregate component,
 - (2) a premeasured amount of said binder component that is housed within the outside container,
 - (3) a premeasured amount of said aggregate component that is housed within the outside container, and
 - (4) an inner container that resides inside of the outside container and contains the premeasured amount of the binder component and the premeasured amount of the aggregate component in a substantially unmixed state such that at least 60% of the binder component is not mixed with the aggregate component and wherein the inner container is made of meltable polymeric material.

Replace claim 10 with the following claim:

10. A bridge joint repair kit comprising:

- (1) an outside container that houses a binder component and an aggregate component,
- (2) a premeasured amount of said binder component that is housed within the outside container,
- (3) a premeasured amount of said aggregate component that is housed within the outside container, and
- (4) an inner container that resides inside of the outside container and contains the premeasured amount of the binder component and the premeasured amount of the aggregate component in a substantially unmixed state such that at least 60% of the binder component is not mixed with the aggregate component and wherein the inner container is made of meltable polymeric material.

Replace Claim 13 with the following claim:

13. A road surface repair kit comprising:

- (1) a premeasured amount of an aggregate body housed in an outside meltable polymeric container, said body having a top surface,
- (2) a premeasured amount of a binder component heated to a fluid state and poured over said top surface of said aggregate body, and being allowed to solidify,
- (3) said binder component forming a first volume that is not mixed with any substantial amount of said aggregate body, and forming a second volume that coats and immerses

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said top surface of said aggregate body, and leaving a portion of said aggregate body not coated or immersed with said binder component to any significant degree,

(3) a meltable polymeric inner container that contains said aggregate body and said binder component, and

(4) said meltable polymeric material outside container containing said meltable polymeric inner container.

Replace Claim 16 with the following claim:

16. A bridge joint repair kit comprising:

(1) a premeasured amount of an aggregate body housed in an outside meltable polymeric container, said body having a top surface,

(2) a premeasured amount of a binder component heated to a fluid state and poured over said top surface of said aggregate body, and being allowed to solidify,

(3) said binder component forming a first volume that is not mixed with any substantial amount of said aggregate body, and forming a second volume that coats and immerses said top surface of said aggregate body, and leaving a portion of said aggregate body not coated or immersed with said binder component to any significant degree,

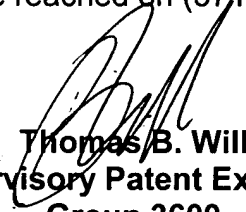
(3) a meltable polymeric inner container that contains said aggregate body and said binder component, and

(4) said meltable polymeric material outside container containing said meltable polymeric inner container.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
5/9/05